G. R. S. 58]

*Previous references.*

1895-6.

~~191~~ .

( Courts. )

**File No.** 48.

**Serial Nos.** 1 — 5.

*Later references.*

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1 — 5.

Major **Part B for** 7. 11. 95

SUBJECT.

Appointment of Hon. Mr. Justice J. W. Best of Madras as Chief Judge of Chief Court Mys.

3448 & 4. 9. 95. From F. A. Resident Suggests that Mr Thamboo Chetty may be relieved of his judicial duties and that Mr Justice Best of Madras may be appointed instead.

2. 28 D & 12. 9. 95. To F. A. Resident Informs that the Govt is prepared to ~~accept~~ entertain Mr Justice Best and raises some objections as to the grant of full pension proposed.

GPB—3,500—21-7-14

4003. & 9.10.95. &c. Conveys sanction of the Govt of India for the appointment of Mr Justice Best of Madras as Chief Judge on certain terms accepted by the Lumbar.

4. 172 C & 31.10.95 Notification. Appoints Mr Justice Best as chief judge of Chief Court

5. 5-5-20-1 C82 & 7.11.95. &c Comptroller & Gl. Best. Informs them Mr Best is appointed as Chief Court —

Indexed
MLs

Communicated

(13)

Submitted to Her Highness the Maharani Regent.

— Since receiving the Council's remarks upon the enclosed letter from the Resident, I have discussed the subject with Mr Lee Warner. He thinks that we shd have the power to superannuate him at any time we like and that we shd not guarantee to him the appointment for 7 years or any fixed period —

As regards pension from Mysore, I feared this wd be necessary — £200 per annum, i.e. over Rs 3000 per annum Mensem - It is a large charge — we are already paying £200* to Mr Plumer and under the plan we have now to adopt we shall have very soon a number of superannuated Chief Judges on Substantial pensions — I and Mr Lee Warner discussed this subject also. His only idea seems to Compensate Mr Best for any pension he wd lose by Coming to us. This seems fair & reasonable — He was appointed as Judge of the Madras High Court on 2d March 1893 and has 2½ years in that Court.

~~The following table explains what I would propose~~

*This was done during my absence on leave and I never thought well of it. H

Article 600 - Rule 30 of the British Service
Regns. Lays down a graduated Scale of
pensions for a judge after 10 years' Service
as such as follows: —

| | |
|---|---|
| After 10 yrs. | £ 800 |
| — 10¾ yrs | 880 |
| 11¾ yrs | 960 |
| 12½ yrs | 1040 |
| 13½ yrs | 1120 |
| 14½ yrs | 1200. |

Mr Bert wd now get a Civil Service Pension
of £ 1,000. To get the maximum pension
he shd put in 12 more years Service - 12+2½=14½
It will take him 10 more years on the
Madras High Ct to earn the small addn of
£ 40 ~~more~~ 12+2½:
& then his Civil Service Pension of £ 1000 -
under such Civil Service Regn wd point out
the facts as above in the reply to the Resident.
If Mr Bert wants a few months to
Complete his Service for a Civil Service
Pension I wd not have him retire before
then, but wd take him on ~~leave~~ loan for
the short time & pay Contribution during it

Yr obedient Servt

His Highness is pleased to accept the advice tendered in the Resident's letter regarding the appointment of Mr Bert as Chief Judge. The questions of service & pension may be finally settled after the facts referred to above by the Dewan have, as proposed, been brought to the notice of the Resident.

Mysore
11th Feby 15

By order &c
Secretary

B

(8)

GOVERNMENT OF MYSORE

Mysore
14 October 1895

My dear Sir,

Your letter of the 12th Instant reached me last night. Her Highness the Maharani Regent is very pleased to learn that you have been able to accept the Chief Judgeship of Mysore made through the Resident to you. Now that the Govt of India have sanctioned the proposed Employment, given their permission to your Employment & the Durbar and I have much pleasure in sending you herewith a Copy of the Residency letter No. 4003 dd 9 Octr 1895, which contains a formal record of the terms of your Employment in Mysore — The Durbar

Rockbridge

The Judges regret
Mr Neal's early announcement
his appointment as Circuit Judge.
I think it a misfortune
to add "& En Mann Gott
sondern Bauern zu Richtern".

I think we have
Judges when I was
appointed to Work as
as the Circuit Courts
with Juries
also En Mann Neal
& Bauern. Mean by
the Judges Union for
Democratic Reorganization to
amend the Judges
ship the Mr Neal of
is en Mann Gott

SECTION Courts
Gen. 30.]

FILE No. 48 Q 95-6 189

SERIAL No. 1.

From

OFFICE OF THE DEWAN OF MYSORE
1915
SEP 1833
Pol 266

To

The ~~Chief Secretary to the~~ Dewan ~~Govt.~~ of Mysore.

Dated 4th Sept

Despatched

Received

Enclosure No.

General No. 3448.
No.

Suggesting that Mr. Shunboo Chettiar, C.I.E. may be relieved of his judicial duties

References to be marked.

Before submitting this letter to Her Highness the Maharani Regent I would like to be favored with the opinions of the Councillors. Having regard to Mr. Bertt's present age I think 7 years is too long a period to agree to employ him for a ~~pension~~ salary of £ 200 per annum office for Service of only 7 years

6/9/95 V. Bhashyam Iyengar

I fear, my colleagues now serving to ~~see~~ on this matter but all the same I have thought it right to place my opinion on record as above -

6/9/95 V. Bhashyam Iyengar

Despatched 10/9/95 h

I cannot find Mr Bertt's age - h

Mr Vernon and Muthusawmy Iyer have been allowed Remission the ~~Privilege~~ for several years after attaining

Regarding the asylum Pension allowance I find Mr Bertt will have put in 33 years service on 7th July 94. He arrived in India in Dec 1862. If he was then 20 or 21 he must now be 54 or 55. I think we may accept the terms proposed by the Resident - For one who is the Chief Justice and renders 7 years further service as the Chief Justice the Chief ~~Justice~~ a special pension of £ 200 is in my opinion not a large sum to pay - It is decidedly an advantage to have a Judge of Mr Bertt's experience & attainments. RN 10/9/95

I would accept the offer of the Resident which will keep Shunboo Chettiar C.I.E. with us for 7 years more. I would suggest, however, that the arrangement proposed under may be accepted. under may be given effect to. Under Secy 10.9.95

M.G.C.P.B.—4-12-95—3000

No. 3448

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

TO

The Dewan of Mysore.

Dated Bangalore, 4th September 1895.

SIR,

Reverting to paragraph 2 of my letter No. 2517 dated the 6th July last I am directed to state that the Resident considers that the time has arrived when Mr. Thumboo Chetty, C. I. E., may conveniently be relieved of his Judicial duties and thus enabled to devote himself exclusively to his Council work – an opinion which the Resident finds to be very widely shared.

2. After the most careful consideration Mr. Lee Warner deems it his duty to advise the Mysore Government to appoint in his stead a judge of one of the Chartered High

High Courts and he has ascertained that the Honorable Mr. Justice Best of the Madras High Court is prepared to resign the service and accept the post of Chief Judge of the Mysore High Court on a salary of Rs: 2500/- per month and on the same terms on which Mr. Plumer held the office.

In view of the fact that Mr. Justice Best, were he to remain in the Madras High Court, would be entitled to an additional pension of £200/- per annum, the Dewan might be prepared, the Resident thinks, should Mr. Best be selected, to promise him a pension of this amount after 7 years service in the Mysore High Court.

I am directed to request that the advice offered in the 2 preceding paragraphs may be considered by the Mysore Government at an early date in order that the Resident may apply for sanction of the Government of India to the employment of Mr. Best by the Dewan.

I have the honor to be
Sir,
Your most obedient Servant,

K.D. Erskine Captain,
First Assistant Resident

Submitted & ordered by the Dewan & the circulated to the Councillors 5/9 [illegible]

Rec'd 4.9.95
2 P.M.

4 Enclosure 1

Letter No. 2517, dated 6th July 1895 from the First Assistant to the Resident in Mysore to the Dewan of Mysore - (Extract).

+ + + +

+ + + +

2. The Governor General in Council has been pleased to approve of the Residents' suggestion that the Salaries of the Councillors should be as follows and if the Government of Mysore so approves with effect from the constitution of the new Council. Mr. Thumboo Chetty, C.S.I., who will for the present continue as Chief Judge will receive an allowance of Rs 250/- a month in addition to his salary of Rs 2,500. The two other Councillors will receive salaries of Rs 1800 rising by

annual increments of Rs 100/- a month to a maximum of Rs 2000/- a month. If the Mysore Government should consider that it is necessary to relieve Mr. Shumboo Chetty of his duties as Chief Judge, their suggestion will be re-ferred for the orders of the Govern-ment of India.

+ + +

(5)

SECTION Courts
FILE No. 48295-6
SER'L No. 200

No. 28
D.
From

Office of the Dewan of Mysore
Dated Bangalore, 12th September
Despd 12th 1895

The Dewan of Mysore

To

The Resident in Mysore,

Sir

In reply to your office No. 3448 dated 4th September 1895, I have the honor to inform you that the Durbar is prepared to accept the advice therein tendered regarding the appointment of the Hon'ble Justice W. W. Best as Chief Judge of Mysore on a salary

of

of Rs 2,500/- per mensem. They however desire to bring to your notice certain facts in order that they may be duly considered in settling the details as to the term for which his services are proposed to be engaged and the Pension to be granted to him at the end of it.

2. As Mr. Best joined the service in August 1862 he is an officer of 33 years standing and may already be about 56 years of age and it is desirable to retain discretion to supersannuate him at any time.

3. Under Article 600, Rule 30, of the British Civil Service

Regulations

Regulations (Edition, 1892) the pension of a Judge of the Madras High Court after a service of such of 10 years would be as follows:—

| | | |
|---|---|---|
| After | 10 years | £800 |
| | 10¾ " | " 880. |
| | 11¾ " | " 960. |
| | 12½ " | " 1,040. |
| | 13½ " | " 1,120. |
| | 14½ " | " 1,200. |

Mr. Best was appointed Judge of the Madras High Court on 2nd March 1893 and has therefore served in that capacity for 2½ years. He has to serve in the same capacity for 12 more years before he can be entitled

entitled to a pension of £1,200 or an addition of £200 to his Civil Service Pension of £1,000/- to which he is immediately entitled. Even to entitle him to the small addition of £40 to his ~~pension~~ of £1,000/- he must serve in the Madras High Court for 10 more years. Mr. Plumer's case I submit cannot be regarded as a precedent ~~for in the case of~~ a Purpose Pension in the case of ~~for~~ Mr. Best. There was no arrangement with ~~the former~~ Mr. Plumer for any such pension whatsoever but when he was retired earlier than he liked His Highness the Maharaja, as an act of grace, granted him a pension of £200 per annum.

4 Mr. Best can be allowed to earn leave under the general rules of the Mysore Service, but a point for decision is whether he should get any and what Exchange Compensation Allowance. The Mysore Rules regarding such allowance, applicable to Durbar Officers and not to lent British Officers, are the same as those of British India, except that they restrict the allowance to bona fide actual family remittances subject to a maximum of one-half of salary. The Durbar regard this restriction as reasonable

* Vide enclosed Copy of Order No. 8307 dated 10th December 1892.

in every way but the real question for decision is whether the Mysore Rules should apply to an Officer entertained on a special engagement for a term of years, as Mr Best or Colonel Walker.

I have the honor to be,

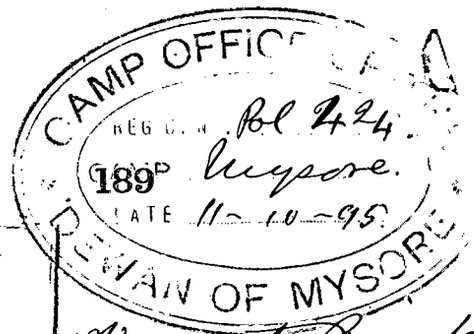
Sir,

Your Most Obedient Servant,

12/9/95

12

Gen. 30.]




Submitted to the Maharaja's Regent with file 14/10/95

SUBJECT. Courts.

From

FILE N. 48 of 95-96 Dy. Commr. & Asst Resident

SERIAL No. 3

To

*The ~~Chief Secretary to the~~*

Dewan ~~Govt. of Mysore.~~

*Dated* 9th Oct 95.

*Despatched*

*Received*

*Enclosure No.*

*General No.* 4003

*No.*

Conveying the sanction of the Govt of India for the appointment of the Hon'ble Mr. Justice Best of Madras as Chief Jr. Sr. on certain terms accepted by the Durbar.

References to be marked. Mr Rayhawden Rec.

M.G.C.P.B.—4-12-95—3000

No. 4003

(7)

Recd 11-10-95

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

Seen by me & returned
Secretariat 11/10/95

To

The Dewan of Mysore

*Dated Bangalore,* 9th October 1895.

SIR,

With reference to your letter no 28/D dated the 12th ultimo regarding the appointment of the Hon'ble Mr Justice Best as Chief Judge of the Mysore High Court, I am directed to inform you that on the 17th idem, the Resident applied for the sanction of the Government of India to the employment in the above post by the Mysore Government of the Hon'ble Mr Justice Best on the following terms, which had been personally accepted by you on the 15th idem, viz.

I A salary of Rs 2500/ a month in addition to his British pension.

II An engagement for not less than

ve or more than 7 years with a power to 5 years
exercised only with the sanction of the
overnment of India of superannuating
Mr Best if that unexpected measure should
be required in the public interests.

In consideration of the fact that Mr Best
has acted in the Madras High Court for
3 months and has served substantively as
udge for 31 more months, an undertaking
if he serves 7 years he will receive from
he Mysore Government £ 200 per annum
pecial pension and if he retires voluntarily
fter five years a proportionate pension at
he rate of £ 200 a year for seven years service
if he is retired by superannuation against
his will before five years a proportionate pension
similarly calculated.

I am now directed to inform you that
he Government of India have accorded sanc-
ion to the employment of Mr Justice Best on the
bove terms. Mr Best is taking the necessary
teps to retire from the Indian Civil Service
nd to resign his seat in the Madras High

Court

Court. He is also being asked to commu-
nicate the approximate date on which
he may be expected to take up his new
duties.

I have the honor to be,

Sir

Your most obedient servant

K.S. Erskine

Asst Apsistant Resident

KE

No. 17 D.C

(16)

SECRETARIAT

Under Section 4 of the H.C. Chief Court Regn 1884

4

Her Highness the Maharani Regent has been pleased to appoint Mr. J. W. Best as Chief Judge of the Chief Court of Mysore —

Krishnaraja
Dewan of Mysore

Insert in proper place in Judicial Gazette and after words return this to the Judl. Secy —

31/10/95

17 h

(14)

Courts

No. 48 of 1935

SERIAL No. 5

Subl: to Govt Sanction for the grant of 2 years leave on M.C. to Mr. H.W. Bosl. Chief Judge of the Chief Ct. of Singapore

Notification No. 172 dated 31st Oct 1935 appointing Mr. H.W. Bosl. as Chief Judge of the Chief Ct. of Singapore

Order No. 5520-1 dated 7-11-35 with the approval of the Govt. of India Mr. H.W. Bosl. is appointed Chief Judge of the Chief Court of Singapore on the following terms

1) a Salary of Rs 2,500/- a month in addition to his British pension

2) an engagement for not less than five or more than seven years with a power, to be exercised only with the Sanction of Govt. of India

The Notification is

"Judicial Branch

Please see the attached Secy's note above & do the needful

B.J.S
8/11/35

of Superannuating him if that unexpected measure shd be kept in the public interests

3) In consideration of the fact that he has acted in the Madras High Court for 23 months & has served Substantively as Judge for 31 more months, an undertaking that, if he serves seven years he will retire from the Mysore Govt., £200 per annum Special pension & if he retires voluntarily after five years a proportionate pension at the

Sale of £200 a
year for Seven
years Service or
if he is retired
by Superannuation
against his Will before
five years a
proportionate pension
Similarly Calculated

6.11.95

Genl Secy

7/11/95

To
The Comptroller in
Bayonne
J. W Best Esq